

in person

October 26, 1955

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

Alexander J. White, Cashier
The Second National Bank of Nashua
Nashua, New Hampshire

Dear Mr. White:

This is in reply to your letter of October 21, 1955, in which you inquire if you may pay a State check, payable on its face to one Anthony Walent, now deceased, over to the funeral director or some other creditor of the decedent.

You refer to Laws 1955, chapter 69; and this is the only law we know of authorizing payment of funds due a decedent to any other than his administrator or executor. Any payment made outside that statute would, it seems to us, come under the following laws:

"No person shall intermeddle with the estate of a person deceased . . . until he has given bond to the judge, with sufficient sureties. . ."RSA 553:13.

"If any person unlawfully intermeddles with, embezzles, alienates, wastes or destroys any of the personal estate of a deceased person he shall be liable to actions of the creditors and others aggrieved, as executor in his own wrong, to double the value of such estate." RSA 553:17.

In view of the clearly expressed policy of the Legislature to require the property of a decedent to be distributed only through the process of administration, we have consistently advised the State Treasurer to make payment of the funds of deceased state employees, except as provided in Laws 1955, chapter 69, only to the properly authorized representatives of the deceased.

I trust that the foregoing answers your question.

Very truly yours,

Warren E. Waters
Deputy Attorney General